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State Water Resources Control Board

Division of Water Rights
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Arnold Schwarzenegger
Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATIONS: 31495 AND 31496

FILED: March 25, 2004

Notice is hereby given that Redwood Valley County Water District (applicant) has filed applications for water right permits to divert water from the West Fork Russian River subterranean flow in Mendocino County. The State Water Resources Control Board (SWRCB) will determine whether water right permits should be issued for the applications and, if so, whether conditions are needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed projects and also describes the procedure and time frame for submittal of protests against the applications. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Redwood Valley County Water District
c/o Recovery Operation Specialty Services
P.O. Box 275
Ukiah, CA 95482

Description of Project

Application 31495

The applicant proposes under Application 31495 to directly divert 50 cubic feet per second (cfs) of water from four proposed well sites located adjacent to the West Fork Russian River and to divert 5,000 acre-feet to offstream storage. The water pumped for direct distribution by the applicant will be for the purposes listed in the summary below. The place of use and the irrigation is for a net 4,700 acres within the service area boundaries of the 11 public entities as shown on maps on file with the Division.

The storage proposed under Application 31495 will convey water at a maximum rate of 50 cfs to offstream storage in Lake Mendocino and in three proposed pit reservoirs (Ford, Granite, and Sagehorn). The proposed Ford Reservoir, located within the E $\frac{1}{2}$ of SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of SE $\frac{1}{4}$ of projected section 20, T17N, R12W, MDB&M, will have a capacity of about 445 acre-feet. Granite Reservoir, located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected section 28, T15N, R12W, MDB&M, will have a capacity of about 1,150 acre-feet. Sagehorn Reservoir, located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected section 14, T14N, R12W, MDB&M, will have a capacity of approximately 2,200 acre-feet. The place of use and the irrigation is for a net 4,700 acres within the service area boundaries of the 11 public entities as shown on maps on file with the Division.

However, water from storage for frost protection of a net 3,000 acres is designated only to the

California Environmental Protection Agency



applicant own service area boundary as shown on a map on file with the Division.

Application 31496

The applicant proposes under Application 31496 to directly divert 50 cfs of water from three proposed well sites located adjacent to the Russian River. Water directly diverted will be use for frost protection of 3,000 net acres within the applicant own service area boundary as shown on a map on file with the Division.

Summary of Application 31495

County: Mendocino.
 Source: West Fork Russian River subterranean flow tributary to the Russian River thence the Pacific Ocean.
 Point of
 Diversion: #1 located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected section 20, T17N, R12W, MDB&M.
 #2 located within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected section 20, T17N, R12W, MDB&M.
 #3 located within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected section 32, T17N, R12W, MDB&M.
 #4 located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected section 16, T16N, R12W, MDB&M.
 Amount: a. 50 cubic feet per second of direct diversion, not to exceed a total of 2,500 acre-feet per year.
 b. 5,000 acre-feet per year by storage
 Maximum annual amount taken by direct diversion and storage not to exceed 7,500 ace-feet per year
 Season: a. November 1 to June 30 for direct diversion.
 b. November 1 to June 30 for storage.
 Purpose: a. Municipal, irrigation, domestic, heat control, and fire protection.
 b. Municipal, irrigation, domestic, heat control, frost protection, and fire protection.
 Place of Use: Within the 11 service area boundaries as shown on maps on file with the Division for the following: Redwood Valley County Water District; Calpella County Water District; Millview County Water District; Russian River Flood Control & Water Conservation Improvement District; City of Ukiah; Rogina Water Company; Willow County Water District; Russian River Estates, Henry Station; Hopland Public Utilities District; and Hopland Tribe Rancheria.

Summary of Application 31496

County: Mendocino.
 Source: West Fork Russian River subterranean flow tributary to the Russian River thence the Pacific Ocean.
 Point of

Diversion: #1 located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected section 20, T17N, R12W, MDB&M.
#2 located within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected section 32, T17N, R12W, MDB&M.
#3 located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected section 16, T16N, R12W, MDB&M.

Amount: 50 cubic feet per second of direct diversion, not to exceed a total of 500 acre-feet per year.

Season: March 15 to May 15.

Purpose: Frost protection.

Place of Use: A 3,000 net acres within the applicant's service area as shown on a map on file with the Division.

Environmental Information

According to the California Environmental Quality Act (CEQA) and its guidelines, Redwood Valley County Water District is the lead agency and will be responsible for preparation of appropriate environmental documents for the project and for determining whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to the lead agency immediately with a copy to Steven Herrera; SWRCB, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the

SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at www.waterrights.ca.gov/forms/ or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the **Division by 3:00 p.m. on the 60th day after the date of this notice (the close of the protest period)**. Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the

protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "major" project (the proposed diversion is 3 cubic feet per second or greater by direct diversion or 200 acre-feet or greater per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Whalen Toy by phone at (916) 341-5408 or by electronic mail at wtoy@waterrights.swrcb.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **October 8, 2004**